

# **EXHIBIT NO. 35**

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Defendant.

CASE NO.  
C-1-02-467

Deposition of: SUSAN R. LESTER  
Taken: By the Plaintiffs  
Pursuant to Notice  
Date: February 16, 2005  
Time: Commencing at 8:02 a.m.  
Place: Taft, Stettinius &  
Hollister, LLP  
425 Walnut Street  
Suite 1800  
Cincinnati, Ohio 45202  
Before: Karen Volk, RPR  
Notary Public - State of Ohio

ORIGINAL

1 looking, January of 2000 to the present.

2 A. Okay.

3 Q. Would you tell me exactly what the Ashland  
4 Works is composed of? Are there one or two plants  
5 there? Exactly what does AK Steel have at the  
6 Ashland Works?

7 A. We have two facilities. They're both  
8 considered Ashland Works but they're at two different  
9 locations.

10 Q. Would you describe those for the record,  
11 ma'am?

12 A. Yes. We have a coke making facility where  
13 you produce coke out of coal. Then that is sent by  
14 railcars to the main steel plant. At the main steel  
15 plant you have a blast furnace, you have a basic  
16 oxygen shop, a caster. We don't do any rolling at  
17 Ashland but we do get some quales back because we  
18 have a finish line that puts a zinc coating on the  
19 steel.

20 Q. Okay. Are those called basically the Coke  
21 Works and the West Works?

22 A. Yes, sir.

23 Q. How many employees work at the Coke Works?

24 A. About 400.

25 Q. How many work at the West facility?

1 A. 800.

2 Q. West Works, I guess.

3 A. Yes.

4 Q. Okay. And, in doing your recruiting and  
5 hiring, do you hire for hourly positions at both of  
6 those facilities?

7 A. Yes, sir.

8 Q. And has there been hiring that has  
9 occurred at both of these facilities since January of  
10 2000?

11 A. Yes, sir.

12 Q. Has there been any hiring since January of  
13 2004?

14 A. Yes.

15 Q. Do you have records or anything that would  
16 reflect the total number of hires that have occurred  
17 since January of 2004?

18 A. No, sir.

19 Q. Do you, in fact, know, however, that there  
20 have been hires since January of 2004?

21 A. There's been limited hiring in the salary  
22 ranks.

23 Q. Has there been any hiring of any hourly  
24 ranks?

25 A. I can't say for sure.

1 Q. Okay. Let me ask you this question. Is  
2 there an entry level position -- hourly position for  
3 which you hire at Ashland?

4 A. Yes.

5 Q. What is that entry level hourly position  
6 called?

7 A. Would we be talking about the Coke Plants  
8 or the West Works?

9 Q. Give me the Coke Plant first.

10 A. Coke Plant is heat relief labor and the  
11 West Works is just labor.

12 Q. Is that the same thing as production or is  
13 that a different kind of position?

14 MR. ROGERS: Objection to the form of the  
15 question. At what facility are you talking,  
16 Bob?

17 MR. CHILDS: I was looking through some  
18 ads that you all had provided to us and it had  
19 a job called production. And I didn't know  
20 whether that was the same thing as laborer or a  
21 different position.

22 Maybe you can answer, Greg, as well as the  
23 witness. I'm just looking for some  
24 clarification.

25 A. Production would be any jobs that aren't

1 A. Probably, yeah.

2 Q. All right. Is the test that you use for  
3 Ms. Gibson, you know, that Dr. Gibson designed for  
4 you, is that utilized at all AK Steel plants for  
5 labor production jobs to your knowledge?

6 A. No, I don't think it is.

7 Q. Which AK steel plants is the test utilized  
8 in and which plants is it not?

9 A. I don't know which ones use it, I just  
10 know there's other plants that use something  
11 different.

12 Q. What other plants -- what do other plants  
13 use? Which plants are we talking about?

14 A. I don't know.

15 Q. How do you know they use something  
16 different?

17 A. Just by communicating with them.

18 Q. Tell me what you've been told in this  
19 communication.

20 A. That the Ashland and Middletown test was  
21 one that Ms. Gibson had -- or Dr. Gibson had  
22 validated, but that was the only two plants that she  
23 validated a test for. So that was enough for me to  
24 assume everybody else had something different if they  
25 have a test at all. I would really be speculating.

1 Q. Do you know why the Middletown and Ashland  
2 plants are the plants that are using this test at AK  
3 Steel as compared to the rest of the plants?

4 A. No, sir.

5 Q. Never been involved in any HR meetings  
6 where that's been discussed?

7 A. We just acquired some of those plants in  
8 the recent years.

9 Q. If it's such a good predictor of work, do  
10 you know why it would not be implemented at these  
11 other plants?

12 A. No, I don't know.

13 Q. You never had that discussion with Phyllis  
14 Short?

15 A. No, sir.

16 Q. Never had that discussion with any higher  
17 officials at AK Steel?

18 A. No, sir.

19 Q. Did you ever wonder in your mind, if it  
20 was such a good predictor, you being an HR person  
21 with all these years of experience, why wouldn't they  
22 use it at those other plants?

23 A. No, I don't know.

24 Q. Never took it upon yourself to ask that  
25 question?

1           A.    Yes, if they can. Sometimes applicants  
2   don't give them good phone numbers but, yes, they  
3   attempt to.

4           Q.    All right. Now, at this stage tell me how  
5   you use this background check in your interview  
6   process.

7           A.    I use this to see if they falsified their  
8   application.

9           Q.    Is that the sole reason that you're using  
10   this information?

11          A.    Yes, sir.

12          Q.    So in regard to education, if they had  
13   indicated that they have a GED or a high school  
14   education, you would use this to show, in fact, they  
15   did and so that they would be eliminated for  
16   falsifying?

17          A.    I do contact them on that because, of  
18   course, the company could be wrong, to let them  
19   challenge it.

20          Q.    So every report you get back, if it  
21   involves falsification to any extent in their  
22   application, you personally call each applicant and  
23   give them a chance to rebut what's in the report?

24          A.    I don't call them, I mail them a letter  
25   and give them BackTrack.



1 of the group that have been eliminated as a result of  
2 the DMV?

3 A. That's correct.

4 Q. How many individuals have been eliminated  
5 because of the education position provided to you by  
6 BackTrack?

7 A. Very few.

8 Q. Do you know how many?

9 A. No, sir.

10 Q. Do you know who?

11 A. No.

12 Q. Do you know the race?

13 A. No, sir.

14 Q. How many individuals have been eliminated  
15 as far as the background check for work history?

16 A. Very few.

17 Q. Do you know how many?

18 A. No, sir.

19 Q. Do you know who?

20 A. No.

21 Q. Do you know the race?

22 A. No, sir.

23 Q. Now, on the crime, you go back five years  
24 and you said you look at any convictions for any  
25 crime, is that correct?

1           A.    I said I wasn't sure on that five years.  
2   I'm not sure.

3           Q.    You're the expert for the company.  You're  
4   being designated for it.  What do you think it is?

5           A.    Between five and seven.

6           Q.    Okay.  Are they actually looking for any  
7   conviction for any felony, misdemeanor, traffic  
8   violation or anything?

9           A.    They are, yes.

10          Q.    And how do you utilize that information in  
11   making your cuts in the application process?

12          A.    If a person has been convicted of  
13   possession of marijuana or something that would be  
14   related to substance abuse, I've screened those  
15   people out.

16          Q.    Any other use that you make of this  
17   information, other than to screen out people who have  
18   ever been convicted of possession of marijuana?

19          A.    If a person has been convicted of assault  
20   and battery, I screen those people out.

21          Q.    Any others?

22          A.    If a person has been convicted of theft.

23          Q.    Give me the total list.  Instead of me  
24   saying each one, give me everybody you screen out for  
25   what kind of convictions.